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UNCLAS SECTION 01 OF 02 ABUJA 000337

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DOT FOR K SAMPLE AND D McDOWELL
DEPARTMENT FOR EB FINSTON

E.O. 12958: N/A
TAGS: EAIR ETRD NI
SUBJECT: NIGERIA: WORLD AIRWAYS CHARTER TO LAGOS

¶11. Summary. The Ministry of Aviation is awaiting USG Designation of World Airways before it will grant landing rights. The Minister of Aviation published a notice in the Guardian newspaper on January 23 stating that World Airways does not have permission to fly to Nigeria. The Ministry's approval of landing rights in time for the February 28 inauguration is now in doubt. DOT and STATE EB may want to suggest to World Airways that it file all required papers without delay to meet this deadline. Copies of the documents should be forwarded to the Embassy. The Embassy is prepared to approach senior GON officials to ensure expeditious approval. End Summary.

OPEN SKIES AGREEMENT SIGNED, BUT NOT RATIFIED

¶12. Background: On August 10, 2000 an Air Transport Agreement was signed between the United States Government and the Government of the Federal Republic of Nigeria. Special Negotiator for International Aviation of the Department of State, Thomas J. White, signed on behalf of the USG, and Permanent Secretary Federal Ministry of Aviation, S.B. Ajulo, signed on behalf of the Government of Nigeria (GON).

¶13. The National Assembly (legislature) of Nigeria has not ratified the Agreement. The Ministry of Aviation claims the Agreement has been acceded to and should be deemed operational.

Article 3) Designation and Authorization

¶14. Article 3 of the Agreement states as follows:

Each Party shall have the right to designate as many airlines as it wishes to conduct international air transportation in accordance with this Agreement and to withdraw or alter such designations. Such designations shall be transmitted to the other party in writing through diplomatic channels and shall identify whether the airline is authorized to conduct the type of air transportation specified in Annex I or in Annex II or both.

On receipt of such a designation, and of applications from the designated airline in the form and manner prescribed for operating authorizations and technical permissions, the other Party shall grant appropriate authorizations and permissions with minimum procedural delay provided:

A) substantial ownership and effective control of that airline are vested in the Party designating the airline, nationals of that Party or both;

B) the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air transportation by the Party considering the application or applications; and

C) the Party designating the airline is maintaining and administering the standards set forth in Article 6 (Safety) and Article 7 (Aviation Security).

¶15. The United States Embassy in Nigeria is prepared to send a diplomatic note to the Ministry of Foreign Affairs designating World Airways and to forward a copy to the Ministry of Aviation. Suggested text follows below.

"The Embassy of the United States of America presents its

compliments to the Ministry of Foreign Affairs of the Federal Republic of Nigeria and has the honor to refer to the US) Nigeria Air Transport Agreement of August 10, 2000 (the Agreement).

The Embassy wishes to inform the Ministry that the United States has designated World Airways, Inc., of HLH Building 101 World Drive, Peachtree City, Georgia to operate a new regularly scheduled chartered air transportation between Lagos and the United States per the Agreement.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Federal Republic of Nigeria the assurances of its highest consideration."

16. We recommend that World Airways forward all information pertinent to Article 3, sub-sections 2A, B, and C directly to the Minister of Aviation via courier. We also ask you send a copy of the documents under separate cover to Steve Hricik, U.S. Embassy, #7 Mambilla Street, (Off Aso Drive), Asokoro, Abuja, Federal Capital Territory, Nigeria.

JETER